

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DAMON PARRISH HIPPS,

PLAINTIFF

V.

CAUSE NO. 4:05CV190-M-B

CONSOLIDATED WITH

CAUSE NO. 4:05CV249-M-B

**EMMITT SPARKMAN, "UNKNOWN" WEEKS,
"UNKNOWN" CHASE AND "UNKNOWN" STAPLETON,**

DEFENDANTS

AMENDED ORDER REQUIRING AMENDED WITNESS LIST

UPON FURTHER REVIEW of the file and record of this action, the undersigned finds plaintiff filed his Witness List [doc. 37] on August 8, 2006. Plaintiff lists six M.D.O.C. inmates, seven M.D.O.C. employees and one former inmate (Timothy Turner). In contravention of this Court's Order dated February 28, 2006 (which plaintiff attached as an exhibit to said Witness List), plaintiff failed to list the M.D.O.C. number for inmate Marvin Hoover. Additionally, plaintiff listed several inmates whose proposed testimony is duplicative.

With respect to witness Timothy Turner, plaintiff is hereby reminded that he is responsible for the attendance of this free-world witness. As such, Turner may only be subpoenaed upon proper motion before the Court for issuance of a witness subpoena. At the appropriate time, plaintiff shall be responsible for tendering *to the Court* the proper witness/mileage fees (\$40.00 per day and 44.5¢ per mile round trip) and making arrangements for service of any witness subpoena issued by the Court on his behalf.

As concerns the remaining six inmate witnesses, the Court finds that most of proposed testimony would be cumulative. Inasmuch as plaintiff has shown that inmates Shannon Roland

and Michael Wood (who presumably have knowledge of what happened the day of the incident and of plaintiff's attempts to inform prison officials) are necessary witnesses, he shall be allowed to have these inmates present at trial.

Lastly, plaintiff shall be limited to calling only two (2) M.D.O.C. employees who are not named as defendants in this action, namely Sharon D. Boss and Mark Anthony. Plaintiff claims these employees were present during the events which make the basis of his Complaint. The testimony of the other employees is unnecessary.

THEREFORE, IT IS ORDERED that at the appropriate time, the Clerk shall issue writs of *habeas corpus ad testificandum* for inmates Shannon Roland and Michael Wood only.

IT IS FURTHER ORDERED that defendants shall secure the appearance of Sharon D. Boss and Mark Anthony at the trial of this case.

No provision of this order shall be construed to limit plaintiff's right to call any witness listed by defendants.

THIS, the 1st day of September, 2006.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE